

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-656
)	
Plaintiff,)	Yellowstone County District Court
)	
)	Montana Thirteenth Judicial District
-vs-)	
)	DECISION
MELINDA JEAN CLINE,)	
<u>Defendant.</u>)	

On August 1, 2019, the Defendant's deferred imposition of sentence for Count I: Criminal Possession of Dangerous Drugs, a felony, was revoked. She was sentenced to the Department of Corrections for five (5) years with three (3) years suspended. The Court recommended the Defendant be screened for treatment with the Elkhorn Treatment Center. The Defendant was not entitled to credit for elapsed time, based on the Defendant's failure to comply with the terms and conditions of the sentence while under supervision. The Defendant received credit for time served as follows: March 5, 2019 through April 3, 2019. In all other respects, the previous conditions the Court entered on December 21, 2017, remained unchanged and were re-imposed.

On October 4, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by David Maldonado of Maldonado Law, PLLC, Missoula, MT. Also present were the Defendant's mother and stepfather, Rosa Ruff and Michael Ruff. Rosa Ruff gave a statement. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 4th day of October, 2019.

DATED this 25th day of October, 2019.

SENTENCE REVIEW DIVISION


Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 4th day
of November, 2019, to:

Clerk of District Court (Original)
Melinda Jean Cline #3022789, Defendant (2)
Hon. Mary Jane Knisely
David Maldonado, 210 N. Higgins Ave., Ste. 226, Missoula, MT 59802
Ingrid Rosenquist, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division